

11 October 1975

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Comments on Part IV, entitled "Secrecy"
of the CIA Study Group Draft of 9 October 1975

1. This section of the report fails to focus on the real issues involved in the protection of intelligence information. It starts with a bad title and gets worse in the text. The title should be something like "Protection of Intelligence Information" rather than "Secrecy" which has negative connotations in the word itself. Furthermore, and more importantly, this section makes the fatal mistake of tying the problem of protecting intelligence sources and methods to the overall government system of security classification.

2. This Agency should not attempt to take on the battle of fighting an Executive Branch argument with the Congress over the issue of the need for security classification and the need for Congressional acceptance of the Executive Branch's system of security classification. There is a statute on the books which charges the Director with the responsibility for the protection of intelligence sources and methods. We should go to that statute rather than to the weaker authority contained in the Executive Order covering the classification of information for security reasons.

3. We should draw on the fact that there is much information, (income tax data, agricultural data, etc.) the disclosure of which is protected by statute, but that does not mean that it has to be defended as being "secret." In other words, having information protected as being within a realm of confidentiality, does not mean that that information has to be protected as "classified." The confidentiality of press sources has been recognized as an extension of the freedom of the press in the constitution, not because these sources are regarded as "secret."

4. The point is that we should fight our battle for the protection of sensitive information on our strongest ground which is one established in statute and which has been recognized by the courts, not on the ground of security classification which has been the subject of all sorts of abuses and which traditionally has been a battleground between the Legislative and Executive Branches of our Government. Furthermore, we have already prepared a legislative proposal to give sanctions to the type of information currently protected by statute under the category of "intelligence sources and methods." It is much more logical to pursue that approach than to try to get statutory recognition of the Executive Branch's system of security classification.

5. John Warner concurs in the above and the Executive Committee recommends that this section be deleted from the Study.



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